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09/392,564	09/09/1999	MASARU TAKAHASHI	520.37550X00	1400

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EXAMINER

TRUONG, THANHNGA B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/392,564

Applicant(s)

TAKAHASHI ET AL.

Examiner

Thanhnga Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: an article "a" on page 2, line 2 should have been "an". Same mistake repeated on page 5, line 18. The examiner would strongly recommend the applicant to use automatic spelling check prior to submitting the application.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 3, 4 rejected under 35 U.S.C. 102(e) as being anticipated by Kori (US 6,480,607).

a. Referring to claim 1:

i. Kori teaches:

(1) a reproduction apparatus [i. e., **Figure 4**]

(a) for reproducing video/audio information recorded in a storage medium [**i.e., for reproducing data recorded on a recording medium (column 3, line 60-65)**], comprising:

(b) an encryption detection means for detecting whether the video or audio information recorded in said storage medium is encrypted or not in accordance with a predetermined encryption system [**i.e., encryption means for**

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encrypting the data reproduced by the reproducing means (column 5, line 45-50); and the compressed picture data or compressed speech data, recorded on this optical disc D, is encrypted by a predetermined encrypting key (column 2, line 8-10)];

(c) a watermark detection means for detecting a watermark information indicative of a copy management information, including at least copy prohibition which is superimposed onto the video or audio information, in case where the video or audio information recorded in said storage medium is not encrypted in accordance with the predetermined encryption system **[i.e., the watermark detection/re-encoding unit detects the copyright control information superimposed on the picture data by watermark processing. The detected copyright control information specifies one of "copy free", "one copy", "no more copy", or "never copy". The watermark detection/re-encoding unit sends the detected copyright control information to the output controller (column 9, line 66-67 and column 10, line 1-6)], and;**

(d) a reproduction restricting means for stopping reproduction of the video or audio information, when any of the copy management information is detected upon a detection result by said watermark detection means, in a case where the video or audio information recorded in said storage medium is not encrypted in accordance with the predetermined encryption system **[i.e., if the watermark detection/re-encoding unit detects the copyright control information other than "one copy", the reproduction device outputs the detected copyright control information to outside via switch without doing re-encoding (column 10, line 12-17)].**

b. Referring to claim 2 which depends on claim 1:

i. Kori teaches:

(1) A reproduction apparatus **[i.e., Figure 4]**, further including:

(a) an information analysis means for analyzing whether the video or audio information recorded in said storage medium is a regular

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video or audio [i.e., that is, there are superimpose on the picture data "copy free", specifying that picture or music data recorded on the recording medium or transmitted can be copied, "one copy", specifying that only one copying operation is possible, "no more copy" specifying that data has been copied from the above "one copy" data (column 8, line 45-50)]

or not [i.e., or "never copy" specifying that copying cannot be permitted (column 8, line 50-51)],

(b) said reproduction restricting means stopping the reproduction of the video or audio information, also when it is not decided to be the regular video or audio information from which the watermark can be detected [i.e., if the watermark detection/re-encoding unit detects the copyright control information other than "one copy", the reproduction device outputs the detected copyright control information to outside via switch without doing re-encoding (column 10, line 12-17)].

c. Referring to claim 3:

i. Kori teaches:

(1) A decoding apparatus [i.e., Figure 4; the media type decoder (column 2, line 49)],

(a) being inputted with coded video or audio information, for decoding the video or audio information so as to be outputted [i.e., decodes the media type information sent from the CSS decoder, which is fed with the compressed picture or audio data and the media type information, to detect the information on whether the optical disc D reproduced by the optical disc drive (ROM/RAM disc), and sends the detected information to the output controller (column 2, line 35-55)], comprising:

(b) a decryption means for restoring an original video or audio information which is coded by decrypting an input code data which is encrypted [i.e., decrypting means for doing decrypting matched to encrypting of the playback control data received by the reception means (column 5, line 55-58)];

(c) a watermark detection means for detecting a watermark information indicative of a copy management information, including at least copy prohibition which is superimposed onto the video or audio information, in case of decoding the coded video or audio information which is inputted, directly without using said decryption means [**i.e., the watermark detection/re-encoding unit detects the copyright control information superimposed on the picture data by watermark processing. The detected copyright control information specifies one of "copy free", "one copy", "no more copy", or "never copy". The watermark detection/re-encoding unit sends the detected copyright control information to the output controller (column 9, line 66-67 and column 10, line 1-6);**

(d) a reproduction restricting means for stopping reproduction of the video or audio information, when any of the copy management information is detected upon a detection result by said watermark detection means, in case of decoding the coded video or audio information which is inputted, directly without using said decryption means [**i.e., if the watermark detection/re-encoding unit detects the copyright control information other than "one copy", the reproduction device outputs the detected copyright control information to outside via switch without doing re-encoding (column 10, line 12-17)].**

d. Referring to claim 4 which depends on claim 1:

i. Kori teaches:

(1) a reproduction apparatus [**i. e., Figure 4**], further including:

(a) a medium and format deciding means for deciding a kind from a plurality of storage mediums and a recording format thereof [**i.e., the media type information is the information specifying whether the optical disc is the read-only ROM disc or a recordable RAM disc and the optical disc drive includes two CSS (Content Scrambling System) encoders (column 8, line 55-65)], wherein,**

(b) said encryption detection means detects whether the data on said medium is encrypted or not in accordance with an encryption

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system which is predetermined for each of the kinds of said plurality of storage medium and the recording format thereon [i.e., **encryption means for encrypting the data reproduced by the reproducing means (column 5, line 45-50); and the compressed picture data or compressed speech data, recorded on this optical disc D, is encrypted by a predetermined encrypting key (column 2, line 8-10)],** and,

(c) a reproduction restricting means for stopping reproduction of the video or audio information, when any of the copy management information is detected upon a detection result by said watermark detection means, in a case that the video or audio information is not encrypted in accordance with an encryption system which is predetermined for each of the kinds of said plurality of storage mediums and the recording format thereon [i.e., **if the watermark detection/re-encoding unit detects the copyright control information other than "one copy", the reproduction device outputs the detected copyright control information to outside via switch without doing re-encoding (column 10, line 12-17)].**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kori as applied to claim 3 above, and further in view of Traw (US 5,949,877).

a. Referring to claim 5:

i. Kori teaches the claimed subject matter per claim 3 above except for:

(1) AKE (Authentication and Key Exchange) means for conducting an authentication between a supply device of the input code data and key exchange necessary for decryption

ii. However, Traw teaches:

(1) AKE (Authentication and Key Exchange) Subsystem is responsible for implementing the protocols which are used to ensure that devices exchanging protected content are compliant (**column 9, line 30-40**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) include such AKE subsystem (in Kori) to further detect and protect digital content from violating the copyright protection and/or other misuse during the transferring between devices in accordance with the decryption system (**see Traw's abstract**).

iv. The ordinary skilled person would have been motivated to:

(1) add this AKE circuit in accordance with the decryption system (such as Kori's Data Processing Device - Figure 4, 5, 6, and 7) to increase and allow high level of content protection which can be implemented with limited resources for computer system and electronics equipment.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Warren et al, US Patent 5,719,937 discloses a multi-media copy management system, where the reproduction of a data signal which is stored on a source media or distributed via a communication network is controlled by inserting master tag data and control tag data into the data signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga Truong whose telephone number is 703-305-0327.

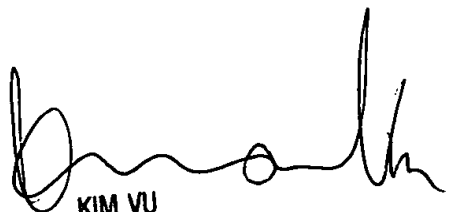
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TBT
July 28, 2003



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100